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COMMITTEE ON THE RIGHTS OF THE CHILD

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SUMMARY RECORD OF THE 206th MEETING

Held at the Palais des Nations, Geneva,
on Wednesday, 25 January 1995, at 10 a.m.

Chairperson: Ms. BADRAN

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The meeting was called to order at 10.10 a.m.

CONSIDERATION OF REPORTS OF STATES PARTIES (agenda item 4) (continued)

INITIAL REPORT OF THE UNITED KINGDOM OF GREAT BRITAIN AND NORTHERN IRELAND (continued) (CRC/C/11/Add.1; CRC/C.8/WP.1)

1. At the invitation of the Chairperson, Mr. Luce, Mr. Campbell, Mr. Conliffe, Mr. Phipps, Mr. Harrington, Mr. Hayes, Ms. Ball, Mr. Wilson and Ms. Doherty took places at the Committee table.

2. The CHAIRPERSON invited the United Kingdom delegation and the Committee members to resume discussion of the question of family environment and alternative care.

3. Mr. HAMMARBERG inquired how the United Kingdom Government managed to reconcile article 19 of the Convention, which concerned the protection of the child from all forms of violence while in the care of his parents, with its policy of not interfering in family affairs and its view that appropriate direction and guidance included the administration, by the parent, of reasonable and moderate physical chastisement. He would also like to have an explanation of the fact that corporal punishment was prohibited in State schools and private schools where the fees were paid by a public body but was allowed in financially independent private schools where the fees were paid by the parents. Presumably, the Government had prohibited corporal punishment in State schools to comply with the directives of the European Union, but he wondered why it did not also comply with the Convention by prohibiting it in private schools as well. The policy adopted with regard to corporal punishment in private schools could lead to a situation where corporal punishment could be inflicted on a child whose schooling was paid for by the parents but not on a child whose fees were paid by a public authority.

4. Miss MASON, referring to the question of children in institutions, said that she would like to know whether research had been carried out into the reasons why children "drifted" when in the public care and whether preventive measures had been taken. She would also like to know why the arrangements made for some children had lacked continuity. As many black children, particularly of Caribbean origin, went off the rails when taken into care by the social welfare services, she wondered whether the employment of a certain number of persons of the same origin in children's establishments was envisaged so that the ethnic, religious, cultural and linguistic origin of the child could be properly taken into account and children belonging to a minority were not deprived of the right to have their own cultural life, practise their own religion and use their own language, in accordance with articles 20 and 30 of the Convention. She would also like to know whether social workers received guidelines and special training for dealing with such children and helping them to catch up if they were behind in any way, particularly in the case of education. Lastly, she wondered whether families whose children had been placed by the social welfare services received assistance.

5. Ms. SANTOS PAIS said it was gratifying to note that an increasing number of families were refusing to inflict corporal punishment on their children. As to the position of the Government, which took the view that spanking and smacking were private family matters, in her view it was not in that case a question of invoking respect for privacy but of complying with the obligations entered into under the Convention, and specifically with the obligations set forth in article 19. Also, so far as the use of corporal punishment at school was concerned, the British authorities should pay more attention to the provisions of articles 28 and 37 of the Convention. The right not to receive corporal punishment was a fundamental right, and one could not therefore lay down a different regime according to whether the school was public or private, all the more so as that would give rise to the question of discrimination and the application of article 2 of the Convention to the educational system, since whether a child was sent to a State or private school was generally linked to the family's standard of living.

6. Ms. EUFEMIO, noting that the number of single mothers was on the increase, said that, according to certain studies, there was a connection between the situation of single mothers faced with a host of difficulties and the physical violence and punishment inflicted on children. She wondered whether social measures had been taken to help single mothers. She would also like to know whether there were family planning services.

7. The CHAIRPERSON noted with concern that, according to the information provided, the head of 10 per cent of households in the United Kingdom was a woman and that the divorce rate was 42 per cent.

8. Mr. LUCE (United Kingdom), replying first to the question concerning the measures taken to protect children who had to give evidence before the courts in connection with acts of violence of which they had been the victim or which they had witnessed, said that the United Kingdom Government's policy was to protect the interests of the child and his privacy and to make the proceedings as painless as possible for him. As stated in the report, a number of measures had been adopted and the result would be carefully studied with a view to taking further measures, if necessary. In any trial, the competent authorities endeavoured to reconcile the rights and interests of all the parties, including the right of the accused to a fair trial and to have access to evidence against him.

9. As to corporal punishment, the Government's policy was not to encourage the parents to inflict corporal punishment on their children but to leave them free, for instance, to allow the person having the care of their child to chastise him if he did not obey. In other words, the question of discipline within the family concerned only the parents, who were free to chastise their child provided that that was not in breach of the provisions of the criminal law under which acts of violence committed against a child were punishable. The British Government, which had carefully examined all the articles in the Convention that dealt with the matter and had taken legal advice, was convinced that its position was wholly in keeping with the Convention.

10. Mr. HAYES (United Kingdom) said that, in the view of the British Government, the question of corporal punishment at school was covered by article 28, paragraph 2, of the Convention and not by articles 19 and 37,

because the nature of the chastisement imposed at school was unrelated to the acts referred to in those two articles. If corporal punishment was still allowed in private schools it was because the Government wished to give those schools as much leeway as possible, leaving the parents complete freedom to choose the education, environment and discipline they wanted for their children. Private schools obviously did not have the right, however, to inflict inhuman or degrading punishment on children. The authorities ensured, by means of inspections, that discipline was applied in a manner compatible with the dignity of the child as a human being, in accordance with article 28, paragraph 2, of the Convention. Moreover, very few private schools resorted to corporal punishment in practice, and there was scarcely any difference between the position of children in private schools - whether their school fees were paid by their parents or by a public authority - and that of children in State schools. It was true, however, that, in order to comply with the directives of the European Union, the authorities had adopted stricter provisions with regard to State schools and had proscribed any recourse to corporal punishment in those schools.

11. Mr. LUCE (United Kingdom), turning to the question of children taken into care by the social welfare services, said that, while there was always a risk that some of them would go off the rails, special measures had been taken to limit that risk and to encourage the local authorities to keep a close watch on the situation of children to whom that might happen. Also, training programmes were organized for social workers to teach them to have the right attitude towards children from minorities and their families.

12. It was true that no law or guideline dealt specifically with the difficulties of single mothers and the effect their situation had on their children. The social services were, however, responsible for taking specific measures to protect the child and for providing the single-parent family, and in particular the single mother, with support where necessary. There were also numerous family planning services where young women could seek advice. Furthermore, one of the aims of the programme "The Health of the Nation" was to reduce the number of cases of pregnancy among adolescents, which in fact seemed to be on the decrease.

13. The CHAIRPERSON suggested that the United Kingdom delegation and the Committee members should turn to the sections in the list of issues (CRC/C.8/WP.1) concerning basic health and welfare and also education, leisure and cultural activities, which read:

"Basic health and welfare
(arts. 6, para. 2, 23, 24, 26, 18 para. 3,
27 paras. 1.3 of the Convention)

24. Please indicate to what extent the provisions of the Convention relating to the right to an adequate standard of living are being applied. In particular, how is it ensured that the incomes of the poorest families and those dependent on benefit are sufficient to provide children with an adequate standard of living? Has the Government specified targets and strategies for reducing inequalities in child health for all children in the United Kingdom?

25. Are the policies of the Department of Health directed towards tackling the high level of teenage pregnancies, and the policies of the Department for Education directed towards sex education fully coordinated? Is information given in schools about the risks of HIV infection and AIDS? Will legislation relating to education be reviewed in the light of the Government's health targets and the Convention's principles?

26. The Government's report does not address the problem of homelessness and its effects on children. What strategies is the Government adopting in response to this situation?

27. What further measures are planned to ensure that the rights of disabled children are fully promoted in all parts of the United Kingdom, in line with the provisions of the Convention, particularly its article 23?

Education, leisure and cultural activities
(arts. 28, 29 and 31 of the Convention)

28. Please clarify whether education about the Convention on the Rights of the Child has been incorporated within the National Curriculum. (Para. 503 of the report.)

29. Does the Government monitor the extent to which contributions are being required of parents towards the costs of education? If so, what has been the trend in this regard in recent years?

30. What steps are being taken to ensure that the right to play, leisure and recreation is implemented for all children, including in particular, those living in poor inner city areas and those in Northern Ireland?"

14. Ms. SANTOS PAIS said that she would like to have more information about the application of the right to an adequate standard of living. Since, in her view, the concept of an "adequate standard of living" called for a definition of what was understood by "poverty", she wondered whether the United Kingdom had adopted criteria with a view to defining those concepts. According to several specialized agencies, the unemployment rate in the United Kingdom was on the increase and 10 per cent of children were living in poverty. Yet despite that deterioration in the national economic and social situation, the authorities had decided not to go on gathering statistics concerning low-income families after 1995. Were there any plans to go back on that decision or to replace those statistics with other data?

15. Since local authorities were often vested with very wide powers for resolving questions relating to children but did not always have the necessary resources, she would like to know what the position was in that respect in the United Kingdom. She also wondered how the situation of single parents, the homeless and low-income families was assessed and what measures were taken for their benefit.

16. Mr. HAMMARBERG said that, according to information provided by non-governmental organizations (NGOs), the rule whereby the British authorities did not automatically grant social welfare benefits to young people aged 16 to 17 who were nevertheless entitled to it, in order to encourage them to enter training programmes and not to begin their adult life in a state of dependency, had resulted in increasing homelessness among that sector of the population. According to statistics provided by the British NGO, Save the Children, for May 1994, 76,000 young people aged 16 or 17 were unemployed, were not attending school and were not enrolled in training courses either. In addition, the formalities with which they had to comply to obtain social benefits appeared to be relatively complex and that population group was in danger of being permanently excluded from the social "circuit". The British Government might consider reviewing that system.

17. With regard to education in Northern Ireland, during a recent visit to Belfast, he had had the impression that the British authorities were not really encouraging the teaching of subjects in Gaelic, at least in primary and secondary schools. It also appeared that the principle of integrated education, according to which Protestant and Catholic children would attend the same schools, was not being applied in practice because of administrative complications which were tying up the aid to which the selected schools might be entitled.

18. Ms. SARDENBERG said she was concerned by the situation of the most vulnerable social groups and by increasing poverty, which affected children in particular. She wished to know whether any educational discrimination between girls and boys had been noted.

19. As she understood it, parents could request that their children should be exempted from attending sex education courses at school. Yet, according to the law, girls could marry at the age of 16; furthermore, the rate of pregnancy among adolescent girls was particularly high in the United Kingdom. Did the British authorities think there might be a connection between those two factors?

20. Miss MASON said she regretted that the British authorities had not gone into more detail in their answer to question 25. In that connection, it would be helpful to have information on abortion laws and on the way in which the issues of HIV transmission and AIDS were dealt with in sex education courses. Since parents could prevent their children from attending sex education classes at school, it would be useful to know if steps had been taken to ensure that the children concerned still had access to AIDS information. More information would be welcome on measures taken to ensure that HIV-positive children were not refused access to social services and on steps taken to provide assistance to any child who had lost a mother to AIDS.

21. Ms. EUFEMIO said that she would appreciate additional information on preschool education, particularly in disadvantaged neighbourhoods.

22. The CHAIRPERSON said that according to the United Nations Development Programme Human Development Report (1994), the United Kingdom had

one physician per 710 inhabitants, a figure which was relatively low in comparison with other European countries. Could the British delegation comment on that matter?

23. It would be helpful to have more information on the integration of disabled children into mainstream schools and on how educators were trained to handle such situations and to teach the other students to respect their disabled classmates.

24. While traditional indicators, such as the number of enrolments, did not point to any discrimination between girls and boys in the field of education, other indicators suggested the opposite. For instance, among higher education graduates, only 14 per cent of females as compared to 36 per cent of males had studied a scientific subject.

25. Mr. LUCE (United Kingdom) said that the Government distributed resources to the various social services according to the size and age of the population in question and its attributes, including socio-economic factors. Similarly, local authorities earmarked funds for social services according to the number of children and single-parent families in the population concerned.

26. Mr. HAYES (United Kingdom) said that there was no single definition of poverty which, in fact, was a relative concept. For that reason, the British Government had decided to stop collecting data on low-income families and had chosen instead to carry out a broader study of households with lower-than-average income. A study had also been done to determine whether those individuals who might be entitled to social benefits were actually applying for them. The results were rather satisfactory since they appeared to indicate that social benefits were, in fact, being provided to those in need of them. In that connection, his Government was convinced that the amount of social benefits was adequate to cover the basic expenses of the beneficiaries. The State also granted additional benefits in special situations, in particular in the case of families with disabled children or single-parent families.

27. With regard to 16- and 17-year-olds, it should be recalled that the Government was endeavouring to provide them with access to training so that they would not begin their adult life as welfare recipients. None the less, those who were not in a position to attend a training programme, such as single parents or disabled persons, and those for whom it was not possible to secure a place in such a programme might be eligible for certain benefits.

28. Mr. PHIPPS (United Kingdom), referring to the question of teaching the principles of the Convention on the Rights of the Child in the schools, said that his Government had revised the National Curriculum, which had turned out to be too ambitious. Teaching establishments now had greater leeway and the number of compulsory courses had been reduced. Courses to familiarize students with the Convention were not compulsory, but by law, school curricula had to promote the spiritual, moral, cultural, mental and physical development of students and prepare them for the responsibilities and realities of adult life. To meet that obligation, teaching institutions were free to teach the principles embodied in the Convention and in other international human rights instruments.

29. With regard to equality of access to education for girls and boys, the Equal Opportunities Commission had been made responsible for considering ways of changing prevailing attitudes according to which certain occupations were reserved for men and others for women. The situation was actually improving, and in some scientific fields women were equal or even superior to their male counterparts.

30. It was true that parents had the right to refuse to let their children attend sex education courses. However, those courses were not the sole source of information available and, what was more, figures indicated that parents were less and less inclined to prohibit their children from attending such classes. The law required educational institutions to incorporate information on the risks of HIV infection and on AIDS in sex education courses.

31. His Government had pledged that in the near future all children from the age of 4 would have access to preschool education. A task force was currently examining the measures needed to attain that goal. In that context, some preschool centres would be emphasizing the importance of games and others the importance of early learning. The Government's policy was based on the principle of allowing parents to choose the teaching method they preferred for their children.

32. With regard to disabled children, there was a code of conduct containing a whole set of obligations by which staff working with such children were bound. Consideration was also being given to a bill which would increase the educational options open to disabled children. All teachers were trained to ensure quality education for children with specific educational needs and to teach other children to behave normally in the presence of disabled youngsters.

33. Mr. CONLIFFE (United Kingdom), returning to the question of education in Northern Ireland, said that an increasing number of parents would like their children to be taught in Gaelic. To meet that demand, the Government had opened a certain number of schools providing instruction in Gaelic, where there had been sufficient demand and provided that such schools followed the official curriculum. Since those schools received public subsidies, the Government must ensure that they operated with reasonable cost efficiency. Primary schools of that type were considered viable with a minimum of 100 pupils; for secondary schools, the figure was 300. In 1992, there had been 100 students enrolled at the primary level and 600 at the secondary level in those special schools. A school could be approved by the Government even if it did not meet the enrolment requirement the first year, as long as it could demonstrate that it would have the full complement of students later on. The State was currently subsidizing in full three special schools, two in Belfast and one in Derry. There were plans to approve a small primary school in west Belfast which was not yet viable but would function during a three-year transitional period as an annex to an already-approved primary school. There were also two independent secondary schools, one in Belfast and one in Derry. The Government had refused to subsidize the Belfast school because its enrolment was too low and would remain so for several years to come. The Government was endeavouring to facilitate the establishment of

schools open to children from both Protestant and Catholic homes. Like other schools, in order to benefit from subsidies, those establishments had to prove that they would have a sufficiently large number of pupils.

34. Mr. LUCE (United Kingdom) said that, in the same way as other disadvantaged children, disabled children had access to services provided under the 1989 Children Act. In Wales, a commission had made recommendations for improving children's services, including those for disabled children. Bearing those recommendations in mind, the Government had asked local authorities to draw up plans for child services, particularly in the social services, education and health sectors, with a view to setting up as complete and coordinated a child service network as possible.

35. With regard to the proportion of females who went on to higher education in scientific fields, he pointed out that in medicine, for example, female students were almost as numerous as male students. Those figures revealed a change in attitudes in that domain.

36. As to the number of physicians per number of inhabitants, it was true that the ratio was lower than in many other countries. None the less, the state of health of the population was as good as that of the population in most other countries, including those with higher health budgets. In addition, every inhabitant had access to primary health care provided by general practitioners.

37. With regard to adolescent pregnancies, the Government had set the goal of reducing the number of pregnancies among young girls under 16 years of age by at least 50 per cent by the year 2000. In the area of family planning, it had instructed the National Health Service to make available to the public, by the end of 1995, a full range of services, in particular in the area of contraception for young people, and to ensure that those services would be appropriately publicized and that the personnel involved would receive the necessary training. The Government was providing financial support to NGOs working in the field of family planning. Abortion was performed when the health or welfare of the mother was threatened. While the risk of using abortion as a method of family planning, or even regarding it as such on an unconscious level, could not be ignored, the important point was to reduce the number of unwanted pregnancies among adolescent girls.

38. With regard to HIV-positive children or children with AIDS, the Government was taking steps to ensure that such children were treated in the same manner as any other patients and that they were not subjected to discrimination, especially in the schools. Efforts were also being made to respect the rule of medical secrecy. Children whose parents had died of AIDS were entitled to the same services as other children deprived of their family environment (see paras. 259 et seq. of the report). With regard to the general attitude of the public towards AIDS, the Government had taken the necessary measures to protect the population and to provide care, safeguarded by confidentiality, for individuals with AIDS. The Government also provided financial assistance to NGOs which were working with AIDS patients and helping to sensitize the public to that issue.

39. The CHAIRPERSON invited the United Kingdom delegation and the members of the Committee to turn to the section of the list of issues on special protection measures, which read:

"Special protection measures

(a) Children in situations of emergency
(arts. 22, 38 and 39 of the Convention)

31. How is it ensured that the 'best interests of the child' are reflected in refugee status determination procedures? How is it ensured that children asylum seekers, some of whom are detained, have access to adequate legal representation in addition to consultation with the Panel of Advisers?

32. Please indicate how the principle of the best interests of the child is taken into account in the implementation of the Nationality and Immigration Act, especially with regard to family reunification.

33. As concerns the use of accelerated immigration procedures on 'safe third country' grounds, please provide the Committee with information and statistics on how many children have been subject to these procedures. What criteria are employed to determine that a country is indeed a 'safe third country'?

34. For unaccompanied children who are removed from the United Kingdom to another country on 'safe third country' or other grounds, how do you ensure that appropriate return and reception arrangements are in place in the country to which the child is returned?

35. Please provide the Committee with information and statistics concerning how frequently children who are granted Exceptional Leave to Remain (ELR) are authorized on an exceptional basis to be allowed reunification with their families. Also, how long, on average, do unaccompanied children have to wait in order to be granted family reunification (paras. 534-535 of the report)?

36. What research is being undertaken to evaluate the impact of the violence in Northern Ireland on children as a basis for developing policies to counter its harmful effects? Have any specific measures been taken in Northern Ireland to support children in such situations particularly in light of article 39 of the Convention? What strategies are being developed to promote greater integration amongst children from the different communities?

37. Are there any plans to revise the legislation on recruitment to the armed services to ensure that in any recruitment of under-18-year-olds priority is given to the oldest? Will the Government consider raising to 18 the minimum age for recruitment into the armed forces?

(b) Children in conflict with the law
(arts. 37, 39 and 40 of the Convention)

38. In light of articles 37 and 39 of the Convention and taking into account the principle of the best interests of the child, please provide further information as to the measures taken to ensure that the arrest, detention or imprisonment of a child is only used as a measure of last resort and for the shortest appropriate period of time.

39. Please provide information on the total number of children deprived of their liberty, on the kinds of institutions in which children may be deprived of their liberty and the reasons for such deprivation of liberty. In addition, please provide further information on: how the conditions in such institutions are monitored; whether there are complaints procedures in cases of ill-treatment; and whether personnel in these institutions have received training about the provisions of the Convention and other relevant international instruments.

40. In view of the information contained in paragraphs 558-563 of the report, and in light of article 37 (d) of the Convention, please provide further indications of the measures taken or envisaged to ensure that the child deprived of his or her liberty has prompt access to legal or other appropriate assistance, the right to challenge the legality of his or her deprivation of liberty before a court and to a prompt decision thereon.

41. Concerning the implementation of article 40, paragraph 2, of the Convention, please provide clarification, in particular, as to the offences for which juveniles may be presented before an adult court and the measures taken to ensure that the right of juveniles to have their privacy fully respected at all stages of the proceedings are respected (paras. 548-552 of the report).

42. With regard to the implementation of article 40, paragraph 3 (a) of the Convention which invites States to establish a minimum age below which children shall be presumed not to have capacity to infringe the penal law, and in light of the principle of the best interests of the child, please provide information on the measures adopted or envisaged by the Government to raise the age of criminal responsibility for all children in the United Kingdom.

43. Please provide details about the Criminal Justice and Public Order Bill being considered by Parliament concerning the ways in which it will empower courts to place secure training orders on 12- to 14-year-old children. Please provide further information generally about the proposed establishment of training centres.

44. Please provide further details of the juvenile justice system in Northern Ireland, especially as regards the use of the training school order (para. 579 of the report).

(c) Children in situations of exploitation, including physical and psychological recovery and social reintegration (art. 39) (arts. 32 and 33 of the Convention)

45. Please indicate whether the Government plans to ratify the ILO Conventions relating to children, particularly ILO Convention No. 138.

46. What further programmes are being developed to tackle the growth of drug abuse amongst younger children?

(d) Children belonging to a minority or an indigenous group (art. 30 of the Convention)

47. Has the Convention on the Rights of the Child been made available in the main minority languages of the different areas forming the United Kingdom (para. 623)?

48. What measures are being taken to ensure that Gypsy and Traveller families and their children are not evicted from caravan sites?"

40. Miss MASON asked whether it was true that, as UNICEF claimed, the United Kingdom was manufacturing and exporting anti-personnel land-mines. If that were the case, did the Government consider such a policy to be compatible with the Fourth Geneva Convention and the Convention on the Rights of the Child?

41. Mr. HAMMARBERG said he would like to know whether the Government was planning to raise the age of criminal responsibility for children in conflict with the law. Generally speaking, the Government appeared to have a tendency to favour detention for young offenders rather than other methods which might be more likely to encourage their reintroduction into society (see para. 574 of the report). Under the Convention, detention or imprisonment of a child ought to be a measure of last resort. Detention effectively cut children off from their families and exposed them to the harmful influences of the custodial environment.

42. According to paragraph 577 of the report, persons under 18 years of age convicted of murder could be detained in a place and under such conditions as directed by the Secretary of State, i.e., the executive power. However, it was widely acknowledged that politicians frequently made decisions in response to the wishes of their constituencies. Decisions in such cases should be made exclusively by the judiciary.

43. Ms. EUFEMIO said she would appreciate information about programmes designed to help children in situations of exploitation, young offenders, street children, children of divorced parents and child victims of ill-treatment, with a view to facilitating their physical and psychological readaptation and their social reintegration.

44. Ms. SANTOS PAIS associated herself with Mr. Hammarberg's remarks with regard to the age of criminal responsibility and custodial sentences for young offenders. Under article 40 of the Convention, every child accused of having

infringed the penal law had the right to have the matter determined by a competent, independent and impartial judicial body. Granting the Secretary of State the power to make a legal decision (see para. 577 of the report) was therefore inconsistent with those provisions. Similarly, sentencing a person under 18 years of age to an indefinite term of detention was contrary to article 37 (b) of the Convention, which indicated that the detention of a child must be for the shortest possible period of time, and to article 40, paragraph 1, according to which States parties, in the administration of penal justice, were bound to take into account the child's age and the need to promote the child's reintegration and to assist him in assuming a constructive role in society.

45. Ms. SARDENBERG noted that, in its written reply to question 45 on the list of issues, the Government stated that it did not plan to ratify the ILO conventions relating to children, particularly ILO Convention No. 138. Similarly, the Government had formulated a reservation to article 32, paragraph 2 (b), of the Convention, according to which States parties must provide for appropriate regulation of the hours and conditions of employment of children. According to research conducted in the United Kingdom, many children worked, very often illegally. Did the Government intend to modify its policy with regard to child labour?

46. The CHAIRPERSON said that she would like to know why many young men enrolled at a very early age in the armed forces; did the Government offer them any other prospects? Since parents were free to choose the manner in which they punished children, it was important to educate parents so they would act in the best interests of their children.

47. Mr. LUCE (United Kingdom) said that various programmes had been designed to prevent ill-treatment and to provide psychological and material support to children who had been victims of abuse or trauma. Appropriate training was provided for the personnel responsible for the care of such children.

48. With regard to anti-personnel land-mines, he wished to emphasize that the British Government ensured that all arms exports were in conformity with its international obligations.

49. Young people between the ages of 16 and 18 who enlisted in the armed forces could not be considered as children within the meaning of the Convention because they were taking charge of their own future. They made that choice of their own free will, believing it to be a positive experience, and with the consent of their parents. Military authorities ensured that they did not engage directly in combat.

50. British legislation in the area of child labour was in full accordance with the provisions of the Convention. Consultations were to be held on application of the European Union directives on that matter. In general, his Government considered that it was not appropriate to apply to children who were beyond the legal age of compulsory schooling, namely 16- to 18-year-olds, the very rigid framework of regulations applicable to school-age children for whom employment might interfere with their education. In making that distinction, the Government had taken into account the provisions of the

Convention according to which consideration must be given to the age and degree of maturity of the child and his capacity to make independent decisions concerning his own life.

51. Mr. CAMPBELL (United Kingdom), referring to the question of criminal responsibility, fixed at 8 years in Scotland, said that the vast majority of child offenders were brought before relatively informal bodies known as Children's Hearings. Only those who had committed particularly serious offences were subject to criminal proceedings. As for persistent juvenile offenders, only a small number of them were placed in Secure Training Centres. In that connection, the authorities planned to promote the establishment of community-managed facilities where such offenders would be placed. Children who had committed murder or rape were detained under the law of criminal procedure for Scotland, under conditions determined by the Secretary of State. The emphasis was more on reintegration than on punishment, and young prisoners might be entitled to release on parole.

52. Mr. HARRINGTON (United Kingdom) said that the British authorities had no plans to raise the age of criminal responsibility and that, in any event, the courts safeguarded the welfare of the child, as provided by law. Courts only pronounced custodial sentences as a last resort. In that regard, a balance had to be struck between the interests of the child and the protection of society. He wished to emphasize strongly that the new measures taken under the 1994 Criminal Justice and Public Order Act, particularly its article 53, provided for long prison terms only in the case of grave crimes. Moreover, the establishment of a new type of Secure Training Centre should facilitate the reintegration of young offenders into society. The public authorities were devoting a great deal of attention and resources to those institutions and to programmes designed to maintain contact between the child and his family. The authorities had also taken measures to combat the harassment to which children, mainly boys, were subjected in some institutions. Lastly, he stressed that young offenders were always placed with other children.

53. The discretionary power of the Queen was based on historical tradition. The Secretary of State, who had the power of decision in cases of grave offences committed by children, bore the best interests of the child in mind and ensured that a child was not detained for longer than was necessary.

54. The CHAIRPERSON invited the Committee members to make their concluding observations.

55. Miss MASON inquired whether there was a significant difference between what was termed a prison sentence, which clearly concerned adults, and a sentence involving a period of detention, in the case of young offenders. She stressed that, in ratifying the Convention, the United Kingdom Government had pledged to take steps to improve the situation of children. She would appreciate additional information on early pregnancies in the United Kingdom, single-parent families, inter-generational poverty and the attitude of single fathers, which was sometimes characterized as irresponsible. She was concerned about the situation of minorities, which had improved but was still not satisfactory. She was not satisfied with the delegation's response with

regard to the exporting of land-mines and was concerned by the absence of equality of care as a result of disparities in the applicable legislation in England, Scotland, Wales and Northern Ireland.

56. Ms. SARDENBERG said that she appreciated the openness of the United Kingdom delegation but regretted that the report, although highly descriptive, was not more self-critical. The Government could have placed greater emphasis on the obstacles and difficulties impeding its application of the Convention. While the legislative reforms under way were welcome, the Convention should be applied in a more dynamic manner and the law relating to children should be harmonized. The authorities should do everything possible to combat inequality and discrimination, poverty, and the rise in drug abuse and acts of violence. They should accord more attention to the homeless and to cases of under-age pregnancy. There was a need for sufficient political will to implement the innovative principles of the Convention, especially those concerning non-discrimination, the participation of children, the best interests of the child and the right to life. The child must be a subject rather than an object of law. The United Kingdom was a wealthy country and could devote more resources than developing countries to improving the situation of children. Throughout history, the United Kingdom had been in the forefront of many fields and it could become a leader in the area of children's rights by implementing new policies at the dawn of the third millennium.

57. Mr. HAMMARBERG said he wished to stress that the Committee was not a tribunal but a forum for dialogue. In his view, the authorities needed to make additional efforts to enforce the basic principles of the Convention, including the principle of the best interests of the child. It was surprising that the concept of the rights of the child was not clearly enunciated in United Kingdom legislation. It was often the case that different authorities had discretionary power over children. Thus, the director of an educational establishment could invite students to join that school but was not obliged to do so, and schools were free to accept or refuse disabled children. It was a matter for regret that children from the age of 8 could be subject to prosecution.

58. With regard to corporal punishment, the delegation had stressed that the Government refrained from interfering in families' private lives and wished to keep a neutral stance in that respect. According to the Convention, however, physical or psychological violence was expressly prohibited, at home or elsewhere. He found it remarkable that a judge had not deemed excessive the fact that an adolescent had been punished by 15 strokes of the belt. It appeared that the Criminal Justice Act now provided for longer sentences of detention for minors, which should naturally lead to a higher number of incarcerated children. According to some sources, young girls had been placed in prison because of the lack of adequate facilities in special institutions designed for that population. In conclusion, it seemed the legislative reform of the policy on children had not given adequate regard to the best interests of the child.

59. Ms. SANTOS PAIS said that she welcomed the candour of the United Kingdom delegation and its emphasis on the country's commitment to its international obligations. Nevertheless, its obligations under European agreements seemed

to have priority over other universal obligations, whereas both should be given equal weight. She urged the British Government to consider withdrawing its reservations, in particular those concerning immigration, nationality and employment. She welcomed the Government's intention to withdraw, in respect of article 37 (d), its reservation which was based on the operation of Children's Hearings in Scotland.

60. It would be desirable to introduce a national monitoring mechanism which, while taking into account the different realities of England, Wales, Scotland and Northern Ireland, would ensure a minimum level of protection for children's rights. Greater priority should be accorded to the most vulnerable groups, including children belonging to single-parent families and minorities and children of unemployed parents. More emphasis was needed, both in legislative reforms and in practice, on the basic principles of the Convention, in particular the principles of the best interests of the child, the well-being of the child, non-discrimination and respect for the child's expressed opinions.

61. With regard to budgetary allocations, particular attention should be paid to promoting the economic, social and cultural rights of children, in particular children belonging to minorities. She hoped also that legislative provisions which did not adequately reflect the Convention would be replaced, in particular those relating to corporal punishment, at home or at school. Members of Parliament, professional groups and children themselves should be made more aware of the rights of the child. Prevention of delinquency should be reinforced on the basis of the United Nations Guidelines for the Prevention of Juvenile Delinquency. The age of criminal responsibility was too low and was not in conformity with the Convention, and the principle of keeping deprivation of liberty to a minimum was not reflected in the 1994 Public Order Act. In her view, an indefinite custodial sentence could not help a child to achieve genuine reintegration into society.

62. It was to be hoped that the report, the summary records and the final comments of the Committee would be widely disseminated in the United Kingdom, in accordance with article 44, paragraph 6, of the Convention. An information campaign could be launched in that regard in close cooperation with NGOs, which, as the Government had acknowledged, could play an important role in the application of the Convention. Children in the United Kingdom could only stand to benefit from such measures.

63. Ms. EUFEMIO said she hoped the authorities would make further efforts in the areas of budgetary allocations and training of personnel concerned with the psychological and social reintegration of young offenders. More assistance should be provided for victims of sexual abuse, drug addicts, children of divorced parents and young offenders. More active strategies should be implemented, and it was to be hoped that the results of such new measures would be seen in the next report. A balance must be found between interference in family life and the best interests of the child, when such interests were threatened. That was certainly a difficult issue and prevention programmes in that area were needed.

64. Mr. LUCE (United Kingdom) said he welcomed the dialogue with the Committee but regretted that, because of a lack of time, the subject of

justice for minors had not been discussed in depth. The number of young detainees had dropped sharply in the last 10 years, with a current figure of 4,000 for England and Wales. The unprecedented legal reforms of recent years applied to the entire United Kingdom and were in full conformity with the Constitution; they demonstrated the political will of the Government and Parliament to take active measures to implement the Convention.

65. The United Kingdom would be reconsidering its reservations which, in any event, had been formulated out of a desire to protect the best interests of the child. The Government was sensitive to the changing face of society, and it was taking new developments into account. His delegation had taken careful note of the Committee's remarks and gave an assurance that due regard would be given to them in the next report.

66. The CHAIRPERSON thanked the United Kingdom delegation for the productive dialogue, during which many issues had been discussed. She also regretted that there had not been enough time to consider certain points. She was certain that the delegation would convey the Committee's observations to its Government and thanked the delegation members for their cooperation.

67. The United Kingdom delegation withdrew.

The meeting rose at 1.10 p.m.